REMARKS

In the Office action dated February 12, 2007, claims 58-75 stand rejected. Claims 58-69 and 73-75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,900,030 issued to Bashan ("Bashan") in view of U.S. Patent No. 5,609,586 issued to Zadini et al. ("Zadini"). Claims 70-72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bashan in view of Zadini as applied to claim 58, in view of U.S. Patent No. 5,969,052 issued to Mumick et al. ("Mumick"). Claims 58-65, 67-69, 71 and 73-75 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over European Patent Application EP 0 301 753 ("EP '753"). Claim 66 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '753 as applied to claim 58, and further in view of U.S. Patent No. 5,571,080 issued to Jensen ("Jensen"). Claims 70 and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '753 as applied to claim 58, and further in view of Mumick.

Applicants have amended claim 58 in compliance with 37 C.F.R. § 1.121(c). Support for the amendments are provided at, for example, pages 19-24. No new matter is included with the submission of the amendments. In view of the amendments and the following remarks, Applicants respectfully submit that claims 58-75 are in condition for allowance.

1. Rejection of Claims 58-69 and 73-75 under 35 U.S.C. § 103(a) – Bashan in view of Zadini

Claims 58-69 and 73-75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bashan in view of Zadini. For the rejection under 35 U.S.C. § 103(a) to be proper, the references, alone or in combination, must teach or suggest all of the claim limitations. Applicants respectfully submit that neither Bashan nor Zadini, either alone or in combination,

teach or suggest every claim element of the claimed invention as presently amended. Neither Bashan nor Zadini disclose, for example, gel particles comprising reversible hydrophilic and hydrophobic properties in which the gel particles expand when the fluid in contact with the gel particles is below a phase transition temperature of the gel particles and contract when the fluid in contact with the gel particles is below a phase transition temperature of the gel particles.

Briefly, Bashan discloses embedding gel particles in open-cell foam to form a tampon. While Bashan does describe gel particles, Applicants respectfully submit that Bashan does not describe gel particles comprising reversible hydrophilic and hydrophobic properties. Applicants also submit that Bashan does not describe tampons that would function in a temperature dependant manner. For these reasons, Applicants submit that Bashan does not disclose a material comprising gel particles as claimed in the pending claims.

Further, Zadini describes an intravaginal expandable member for prevention of vaginal bleeding. Applicants respectfully submit that Zadini also does not describe gel particles comprising reversible hydrophilic and hydrophobic properties, nor does Zadini describe an intravaginal member that functions in a temperature dependant manner. Applicants submit that the intravaginal expandable member of Zadini does not disclose the claimed invention.

Applicants thus respectfully submit that independent claim 58 is in condition for allowance. Claims 59-69 and 73-75 depend, either directly or indirectly, from claim 58. For the above-mentioned reasons regarding claim 58, Applicants submit that these claims are also in condition for allowance.

2. Rejection of Claims 70-72 under 35 U.S.C. § 103(a) – Bashan, Zadini in view of Mumick

Claims 70-72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bashan in view of Zadini as applied to claim 58, in view of Mumick. For the rejection under 35 U.S.C. § 103(a) to be proper, the reference alone or in combination with another reference must teach or suggest all of the claim limitations. Applicants respectfully submit that neither Bashan, Zadini, nor Mumick, either alone or in combination, teach or suggest every claim element of the claimed invention as presently amended.

Mumick does not disclose gel particles comprising reversible hydrophilic and hydrophobic properties, rather, Mumick discloses a polymer that dissolves when a temperature is below a specified temperature. For this reason regarding Mumick and the above-mentioned reasons regarding Bashan and Zadini, Applicants submit that the references, either alone or in combination, do not teach or suggest every element of the claimed invention. Applicants submit that claims 70-72 are therefore allowable.

3. Rejection of Claims 58-65, 67-69, 71 and 73-75 under 35 U.S.C. §§ 102(b), 103(a) – EP '753

Claims 58-65, 67-69, 71 and 73-75 stand rejected under 35 U.S.C. § 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over EP '753. For a claim to be anticipated under 35 U.S.C. § 102(b), the reference must disclose each and every limitation in the claim. Applicants respectfully submit that EP '753 does not disclose every claim element of the claimed invention as presently amended. For the rejection under 35 U.S.C. § 103(a) to be proper, the reference alone or in combination with another reference must teach or suggest all of the claim limitations. Applicants respectfully submit that EP '753 does not teach or suggest every claim element of the claimed invention as presently amended.

Briefly, EP '753 discloses water absorbent structures. EP '753 does not describe gel particles comprising reversible hydrophilic and hydrophobic properties in which the gel particles expand when the fluid in contact with the gel particles is below a phase transition temperature of the gel particles and contract when the fluid in contact with the gel particles is below a phase transition temperature of the gel particles. EP '753 does not describe gel particles having reversible and temperature dependant properties as claims by the Applicants.

Applicants thus respectfully submit that independent claim 58 is in condition for allowance. Claims 59-65, 67-69, 71 and 73-75 depend, either directly or indirectly, from claim 58. For the above-mentioned reasons regarding claim 58, Applicants submit that these claims are also in condition for allowance.

4. Rejection of Claim 66 under 35 U.S.C. § 103(a) – EP '753 in view of Jensen

Claim 66 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '753 as applied to claim 58, and further in view of Jensen. Claim 66 depends directly from claim 58. For the above-mentioned reasons regarding claim 1, Applicants submit that this claim is also in condition for allowance.

5. Rejection of Claims 70 and 72 under 35 U.S.C. § 103(a) – EP '753 in view of Mumick

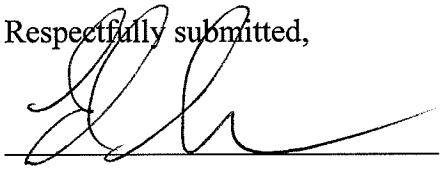
Claims 70 and 72 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over EP '753 as applied to claim 58, and further in view of Mumick. For the rejection under 35 U.S.C. § 103(a) to be proper, the reference alone or in combination with another reference must teach or suggest all of the claim limitations. Claims 70 and 72 depend, directly or indirectly, from claim 58. For the reasons stated above regarding EP '753 and Mumick regarding claim 58, Applicants

respectfully submit that neither EP '753 nor Mumick, either alone or in combination, teach or suggest every claim element of the claimed invention as presently amended.

CONCLUSION

Applicants respectfully submit that all pending claims are in condition for allowance and request withdrawal of the pending rejections. If the Examiner believes a telephonic interview would expedite the prosecution of the present application, the Examiner is welcome to contact Applicants' Attorney at the number below.

Respectfully submitted,



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